

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

RONALD LONGALE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 14-14217-IT
	)	
JEFF GRONDOLSKY, <u>et al.</u> ,	)	
	)	
Defendants.	)	

REPORT AND RECOMMENDATION ON MOTION TO DISMISS

[Docket No. 89]

July 19, 2018

Boal, M.J.

In this action, pro se plaintiff Ronald Longale appears to allege that medical treatment he received while incarcerated at the Federal Medical Center in Devens, Massachusetts (“FMC Devens”) was inadequate. Longale has named eighteen defendants. On February 16, 2018, the District Court adopted this Court’s recommendation that it dismiss the claims against defendants J. Grondolsky, Robert Cooke, Daniel Quist, D. Goldstein, Al-Karim Dhanji, M.D., Janet Miller, Edward Eichel, Richard Russell, Lisa Johannsson, Donna March, Richard Andreuzzi, Jay Miller, and Leonard Weber (collectively, the “Federal Defendants”) as well as Dr. Yates, a non-federal employee. Docket No. 73.

On May 30, 2018, defendants Sandra Howard and Robert McKittrick filed a motion to dismiss the claims against them in their individual capacity. Docket No. 89. Longale did not file a response within the time allowed by the Local Rules. Nevertheless, on June 18, 2018, this Court allowed him until July 16, 2018 to file a response and indicated that if he failed to do so, it would consider the arguments made in response to the Federal Defendants’ motion to dismiss.

Docket No. 95. Longale has failed to file a response.

Howard and McKittrick's motion is substantially identical to the motion previously filed by the Federal Defendants. In particular, with respect to the claims against each individual, the Amended Complaint does not identify any specific actions by Howard or McKittrick or identify how or when either of them violated Longale's constitutional rights.<sup>1</sup> For this reason, as well as for the other reasons set forth in this Court's report and recommendation dated January 30, 2018 (Docket No. 72), this Court recommends that the District Judge assigned to this case grant Howard and McKittrick's motion to dismiss. If the District Judge adopts this recommendation, the following claims remain: all claims against Harry Smith and the medical malpractice claims against the United States.

#### REVIEW BY DISTRICT JUDGE

The parties are hereby advised that under the provisions of Fed. R. Civ. P. 72(b), any party who objects to these proposed findings and recommendations must file specific written objections thereto with the Clerk of this Court within 14 days of the party's receipt of this Report and Recommendation. The written objections must specifically identify the portion of the proposed findings, recommendations, or report to which objection is made, and the basis for such objections. See Fed. R. Civ. P. 72. The parties are further advised that the United States Court of Appeals for this Circuit has repeatedly indicated that failure to comply with Fed. R. Civ. P. 72(b) will preclude further appellate review of the District Court's order based on this Report and Recommendation. See Phinney v. Wentworth Douglas Hosp., 199 F.3d 1 (1st Cir. 1999); Sunview Condo. Ass'n v. Flexel Int'l, Ltd., 116 F.3d 962 (1st Cir. 1997); Pagano v. Frank, 983

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<sup>1</sup> McKittrick is not mentioned in the body of the complaint. Howard is mentioned in a conclusory fashion a couple of times but her actions are not described with any specificity. Docket No. 19 at 1, 2.

F.2d 343 (1st Cir.1993).

/s/ Jennifer C. Boal  
JENNIFER C. BOAL  
United States Magistrate Judge